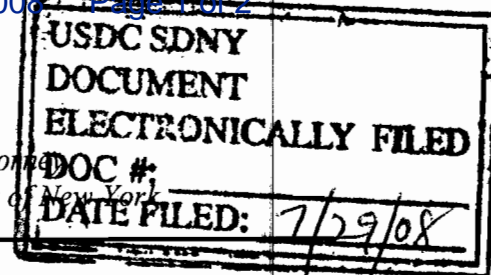




U.S. Department of Justice

United States Attorney
Southern District of New York

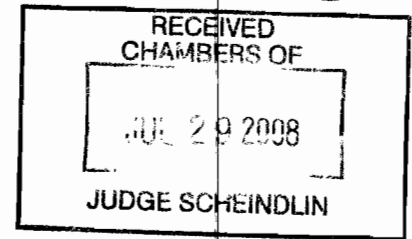


86 Chambers Street
New York, New York 10007

July 28, 2008

By Hand

The Honorable Shira A. Scheindlin
United States District Judge
United States District Court
500 Pearl Street, Room 1620
New York, NY 10007



Renaldi Ruggiero v. Warden Loren A. Grayer, et al., 08 Civ. 2822 (SAS)

Dear Judge Scheindlin:

I write on behalf of Warden Loren A. Grayer, Dr. Ginart, and the Director of the U.S. Bureau of Prisons Harley G. Lappin (the "federal defendants") in the above-referenced case. This claim appears to be directed against the federal defendants in their individual capacities, presumably pursuant to Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971). In light of the Court's April 1, 2008 Order, I write to inform the Court that plaintiff mailed copies of the complaint to Warden Grayer and Dr. Ginart on or about June 13, 2008, via certified mail. Director Lappin has not yet been served with a copy of the complaint, nor has the U.S. Attorney's Office, as required by Fed. R. Civ. P. 4(i)(3).

At this time, all three federal defendants are in the process of seeking representation from the Department of Justice. Although I am not yet authorized to represent the federal defendants, in order to preserve their rights, I respectfully request that their responses to the complaint be due on September 19, 2008. Pursuant to Fed. R. Civ. P. 12(a)(3), the federal defendants have sixty days to respond to a complaint from the date that either they, or the U.S. Attorney's Office is served, whichever is later; nonetheless, the Government will be prepared to answer or otherwise respond to the complaint by September 19, 2008, which is sixty days subsequent to plaintiff's last date to effect service upon all parties under this Court's Order of April 1, 2008.

Additionally, it is unclear whether I will be authorized to represent the federal defendants before the pre-trial conference, currently scheduled for August 11, 2008. If the Court grants the federal defendants until September 19, 2008, to answer or otherwise respond to the complaint, the Government respectfully requests that the conference be adjourned until sometime after September 19, 2008. This is the Government's first request for an adjournment.

The time for the federal defendants to respond to the Complaint is extended to and including September 19, 2008. The initial pretrial conference is adjourned to September 22 at 4³⁰.

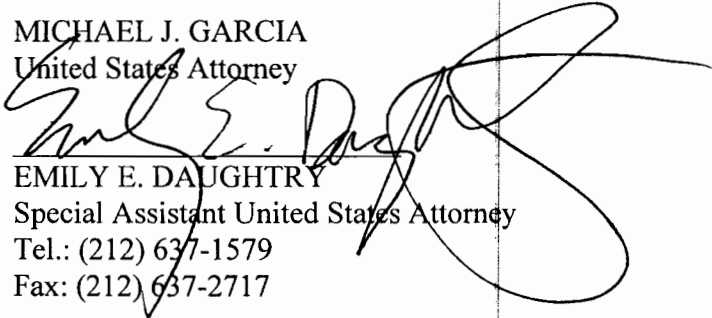
8/16/08 USDC SDNY So Ordered [Signature]

Because plaintiff is incarcerated and proceeding *pro se*, the Government has not sought plaintiff's consent to these requests. Counsel for defendants Jae H. Ro and Irene Anokute ~~consents to these requests~~, and joins in the request for an adjournment of the pre-trial conference. Thank you for your consideration.

Respectfully,

MICHAEL J. GARCIA
United States Attorney

By:


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